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50170	7590	08/11/2005	EXAMINER	
IBM CORP. (WIP) c/o WALDER INTELLECTUAL PROPERTY LAW, P.C. P.O. BOX 832745 RICHARDSON, TX 75083			JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/042,100	CRUDELE ET AL.
	Examiner	Art Unit
	Jude J. Jean-Gilles	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 21 is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 January 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/21/2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Action is in regards to the Reply received on 23 May, 2005.

Response to Amendment

1. This action is responsive to the application filed on May 23rd, 2005. Original claims 1-13 are not amended. Claims 14-21 are newly added. Claims 1-21 are pending. Claims 1-21 represent a method and apparatus for "distributing software features to a computer".

Response to Arguments

2. Applicant's arguments with respect to claims 111, 12, and 13 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (i.e., a method wherein distributing software features to a computer...) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 8, 9, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Aronberg et al (Aronberg), U.S. Patent No. 5,933,647).

Regarding **claim 1**, Aronberg teaches a method of distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context (*fig. 1, items 101-102; column 2, lines 52-67; column 3, lines 1-14*), the method including the steps of:

providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile (*column 4, lines 7-26; column 5, lines 1-38*),

storing an indication of the at least one user activity on the computer (*column 7, lines 9-41*),

accessing the computer with a current user profile (*column 4, lines 48-61*), and retrieving and executing each user activity associated with the current user profile in the corresponding operating context (*column 5, lines 24-48*).

Regarding **claim 4**, Aronberg teaches the method according to claim 1, wherein each software feature includes a global portion and a user portion necessary in each context for activating the software feature, a corresponding item being indicative of the global activity of enforcing the global portion (*column 6, lines 48-63*) and a further corresponding item being indicative of the user activity of enforcing the user portion for

each associated user profile (*column 7, lines 4-32*).

Regarding **claim 8**, Aronberg teaches the method according to claim 1, wherein the computer is a client workstation of a network, the method further including the step of receiving the distribution package on the client workstation from a server workstation through the network (*fig. 1, items 101-104; column 4, lines 13-61*).

Regarding **claim 9**, Aronberg teaches a computer program directly loadable into a working memory of a computer for performing the method of claim 1 when the program is run on the computer (*fig. 2, items 101-102; column 5, lines 38-48; column 6, lines 38-63*).

Regarding **claim 10**, Aronberg teaches a program product including a computer readable medium on which the program of claim 9 is stored(*fig. 2, items 101-102; column 5, lines 38-48; column 6, lines 38-63*).

Regarding **claim 11**, Aronberg teaches a software distribution application for use in a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context (*column 4, lines 7-61*), the software distribution application including a distribution agent for receiving a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer (*column 4, lines 7-61*), at least one activity being defined as a user activity associated with at least one user profile (*column 5, lines 1-48*), and for storing an indication of the at least one user activity on the computer, and a user agent for retrieving and executing each user activity associated with a current user

profile in the corresponding operating context (*column 5, lines 24-48*).

Regarding claim 12, Aronberg teaches a system for distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context (*column 4, lines 7-61*), the system including means for providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer (*column 4, lines 7-61*), at least one activity being defined as a user activity associated with at least one user profile, means for storing an indication of the at least one user activity on the computer (*column 5, lines 1-48*), means for accessing the computer with a current user profile, and means for retrieving and executing each user activity associated with the current user profile in the corresponding operating context (*column 5, lines 24-48*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2, 3, 5-7, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg, in view of Broster et al (Broster), U.S. Patent No. 6,424,968 B1.

Regarding **claim 2**, Aronberg teaches the invention substantially as claimed. Aronberg discloses the method of distributing software features according to claim 1, wherein at least one activity is defined as a global activity associated with all the user profiles, the method further including the steps of: running a global agent outside the context associated with the current user profile (*column 3, lines 2-14; column 4, lines 13-61*), executing each global activity under the control of the global agent (*column 9, lines 4-32*),

However, Aronberg does not specifically teach running a user agent in an computer system during a logon to the computer with the current user profile, each user activity being retrieved and executed under the control of the user agent.

In the same field of endeavor, Broster discloses (an information management computer system with a user profile with search capabilities that work over a long period of time to report after a fixed time interval or at the next logon by that user...) [see *Broster, column 10, lines 44-49*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Broster's teachings of a method and apparatus to run a user agent during a logon to the

computer with the current profile, with the teachings of Aronberg, for the purpose of "*providing a transparent interface to a plurality of tools, the user being able to use the system without having to select and operate the different tools*" as stated by Broster in lines 35-39 of column 3. Thus, Aronberg also provides motivation to combine by stating a need to also provide to the network with "*the ability to provide a software distribution and desktop management system with full integration into a graphical user based system...*" [see Aronberg, *column 2, lines 45-49*]. By this rationale **claim 2** is rejected.

Regarding **claim 3**, the combination Aronberg-Broster teaches the method according to claim 2, wherein the global agent runs on the computer in a logoff condition [see *Broster, column 10, lines 44-49*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 3 [see *Broster, column 3, lines 35-39; see Aronberg, column 2, lines 45-49*]. By this rationale **claim 3** is rejected.

Regarding **claim 5**, the combination Aronberg-Broster teaches the method according to claim 4, wherein each item includes a flag defining the corresponding activity as a global activity or a generic user activity, the method further including, for each generic user activity, the steps of:

storing an indication of a completion of the generic user activity for each user profile [see *Broster, column 3, lines 25-34*], and
verifying whether the generic user activity has been completed in the context associated with the current user profile, the generic user activity being

executed in the context associated with the current user profile only if the result of the verification is negative [see *Aronberg, column 7, lines 9-67*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 5 [see *Broster, column 3, lines 35-39*; see *Aronberg, column 2, lines 45-49*]. By this rationale **claim 5** is rejected.

Regarding **claim 6**, the combination Aronberg-Broster teaches the method according to claim 5, further including the steps of:

storing a global memory structure indicating a status of the global portion of each software feature [see *Aronberg, fig. 2, items 101-102; column 6, lines 48-67; column 7, lines 1-8*],

storing a user memory structure for each user profile indicating a status of the user portion of each software feature in the corresponding context [see *Aronberg, fig. 2, items 101-102; column 7, lines 9-41*], and

verifying whether each generic user activity associated with the current user profile has been completed according to a comparison between the global memory structure and the corresponding user memory structure [see *Aronberg, column 7, lines 9-67*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 6 [see *Broster, column 3, lines 35-39*; see *Aronberg, column 2, lines 45-49*]. By this rationale **claim 6** is rejected.

Regarding **claim 7**, the combination Aronberg-Broster teaches the method according to claim 5, further including the steps of:

storing an indication of each user profile allowed to have each software feature enforced [see *Aronberg, column 6, lines 48-67; column 7, lines 1-8*], and verifying whether the current user profile is allowed to have the software feature corresponding to each generic user activity enforced, each generic user activity being executed only if the result of the verification is positive [see *Aronberg, column 4, lines 47-67; column 7, lines 9-67*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 7 [see *Broster, column 3, lines 35-39; see Aronberg, column 2, lines 45-49*]. By this rationale **claim 7 is rejected.**

Regarding **claim 13**, the combination Aronberg-Broster teaches a system for distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context [see *Aronberg, fig. 2, items 101-102; column 4, lines 7-61*], the computer including a distribution agent for receiving a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer [see *Aronberg, column 4, lines 7-61*], at least one activity being defined as a user activity associated with at least one user profile, and for storing an indication of the at least one user activity on the computer [see *Aronberg, column 5, lines 1-48*], a logon module for accessing the computer with a current user profile, and a user agent for retrieving and executing each user activity associated with the current user profile in the corresponding operating context [see *Broster, column 10, lines 44-49*]. The same motivation that was

utilized in the combination of claim 2, applies equally as well to claim 13 [see Broster, *column 3, lines 35-39*; see Aronberg, *column 2, lines 45-49*]. By this rationale **claim 13** is rejected.

7. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg, in view of Anderson et al. (Anderson), U.S. Patent No. 6,578,142 B1.

Regarding **claim 14**, Aronberg teaches the invention substantially as claimed. Aronberg discloses the method of claim 1, but does not specifically teach in detail a method wherein the plurality of different user profiles includes a first user profile for a first user of the computer and a second user profile for a second user of the computer, and wherein the distribution package includes a first item indicative of a first user activity for enforcing a corresponding software feature on the computer for the first user profile and a second item indicative of a second user activity for enforcing a corresponding software feature on the computer for a second user profile.

In the same field of endeavor, Anderson discloses a user computer system (fig. 1, item 40) that establishes two-way communication and create separate profiles for the users and for the computer itself and include additional contents to indicate information about computer software, hardware, and third party software that are all available to the user [see Anderson; column 5, lines 10-38; column 9, lines 24-67].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Anderson's teachings of a method that includes a plurality of user profiles, with the teachings of Aronberg, for the

purpose of "*providing a method and apparatus for automatically installing and configuring software on a computer..*" as stated by Anderson in lines 49-52 of column 1. Thus, Aronberg also provides motivation to combine by stating a need to also provide to the network with "*the ability to provide a software distribution and desktop management system with full integration into a graphical user based system...*" [see Aronberg, *column 2, lines 45-49*]. By this rationale **claim 14** is rejected.

Regarding **claim 15**, the combination Aronberg-Anderson teaches the method of claim 14, wherein the first user activity and the second user activity are different [see Anderson; column 5, lines 10-38; column 9, lines 24-67]. The same motivation that was utilized in the combination of claim 14, applies equally as well to claim 15 [see Anderson, column 1, lines 49-52]. By this rationale, **claim 15** is rejected.

Regarding **claim 16**, the combination Aronberg-Anderson teaches the method of claim 14, wherein the first user activity is to enable a first software product on the computer for the first user profile, the second user activity is to enable a second software product on the computer for the second user profile, and wherein the first software product is not enabled on the computer for the second user profile [see Anderson; column 5, lines 10-38; column 9, lines 24-67]. The same motivation that was utilized in the combination of claim 14, applies equally as well to claim 16 [see Anderson, *column 1, lines 49-52*]. By this rationale, **claim 16** is rejected.

Regarding **claim 17**, the combination Aronberg-Anderson teaches the system of claim 12, wherein the plurality of different user profiles includes a first user profile for a first user of the computer and a second user profile for a second user of the computer,

and wherein the distribution package includes a first item indicative of a first user activity for enforcing a corresponding software feature on the computer for the first user profile and a second item indicative of a second user activity for enforcing a corresponding software feature on the computer for a second user profile for enforcing a corresponding software feature on the computer for a second user profile [see Anderson; column 5, lines 10-38; column 9, lines 24-67]. The same motivation that was utilized in the combination of claim 14, applies equally as well to claim 17 [see Anderson, *column 1, lines 49-52*]. By this rationale, **claim 17** is rejected.

Regarding **claim 18**, the combination Aronberg-Anderson teaches the system of claim 17, wherein the first user activity and the second user activity are different [see Anderson; column 5, lines 10-38; column 9, lines 24-67]. The same motivation that was utilized in the combination of claim 14, applies equally as well to claim 18 [see Anderson, *column 1, lines 49-52*]. By this rationale, **claim 18** is rejected.

Regarding **claim 19**, the combination Aronberg-Anderson teaches the system of claim 17, wherein the first user activity is to enable a first software product on the computer for the first user profile, the second user activity is to enable a second software product on the computer for the second user profile, and wherein the first software product is not enable on the computer for the second user profile [see Anderson; column 5, lines 10-38; column 9, lines 24-67]. The same motivation that was utilized in the combination of claim 14, applies equally as well to claim 19 [see Anderson, *column 1, lines 49-52*]. By this rationale, **claim 19** is rejected.

Regarding **claim 20**, the combination Aronberg-Anderson teaches the computer program of claim 9, wherein the plurality different user profiles includes a first user for a first user of the computer and a second user profile for a second user of the computer, and wherein the distribution package includes a first item indicative of a first user activity for enforcing a corresponding software feature on the computer for the first user profile and a second item indicative of a second user activity for enforcing a corresponding software feature on the computer for a second user profile [see Anderson; column 5, lines 10-38; column 9, lines 24-67]. The same motivation that was utilized in the combination of claim 14, applies equally as well to claim 16 [see Anderson, *column 1, lines 49-52*]. By this rationale, **claim 20** is rejected.

Allowed claims

8. **Claim 21** below is ALLOWED.

An apparatus for distributing software features to a workstation, wherein the workstation is accessible by using one of a plurality of user profiles associated with the workstation, and wherein the user profiles have associated operating context for defining an execution environment of the workstation; comprising:

a logon module that controls access to the workstation to thereby initiate an operating context for a current user profile;

a network interface for receiving, from a provider of a software distribution package, a software distribution package that includes a list of items for enforcing a software feature on the workstation, each item having a first field which defines an

activity consisting of one or more instructions to be carried out for reaching a desired software configuration, a second field that defines the activity as a global or user activity, and one or more files for enforcing the software feature;

a distribution agent that runs outside any operating context associated with user profiles of the plurality of user profiles;

a global catalogue module, controlled by the distribution agent, which specifies global portions of each software feature that have been installed on and removed from the workstation;

a user agent that performs searches in the operating contexts associated with the plurality of user profiles;

a user catalogue module, controlled by the user agent, which specifies information on a status of each software feature in each of the operating contexts associated with the plurality of user profiles;

an authorization list module that includes a series of records each having a first field identifying a software feature, a second field identifying one or more user profiles allowed to have this software feature enforced; wherein:

the distribution agent, in response to receiving a software package via the network interface, executes all the actions of the software package identified as global actions and updates a status of corresponding software features in the global catalogue module;

the user agent, in response to an initiation of the operating context

associated with the current user profile, retrieves status information for a software feature from the global catalogue Module, determines if the current user profile is allowed to have this software feature enforce, and extracts status information from the user catalogue module for the software feature of the software feature is allowed to be enforced for the current user profile;

the user agent compares the status information from the global catalogue module to the status information from the user catalogue module and determines if any further action is necessary to enforce the software feature for current user profile;

the user agent retrieves the instructions needed for enforcing the software feature for the current user profile if further action is determined to be necessary; and

the user agent executes the retrieved instructions to thereby enforce the software feature for the current user profile and updates status information for the software feature in the user catalogue module.

Reasons for Allowance of claim 21

The following is an examiner's statement of reasons for allowance of claim 21: the closet prior art of record ((Anderson, U.S. Patent No. 6,578,142) does not teach nor suggest in detail an authorization list module that includes a series of records each having a first field identifying a software feature, a second field identifying one or more user profiles allowed to have this software feature enforced, wherein:

the distribution agent, in response to receiving a software package via the network interface, executes all the actions of the software package identified as global actions and updates a status of corresponding software features in the global catalogue module;

the user agent, in response to an initiation of the operating context associated with the current user profile, retrieves status information for a software feature from the global catalogue Module, determines if the current user profile is allowed to have this software feature enforce, and extracts status information from the user catalogue module for the software feature of the software feature is allowed to be enforced for the current user profile;

the user agent compares the status information from the global catalogue module to the status information from the user catalogue module and determines if any further action is necessary to enforce the software feature for current user profile;

the user agent retrieves the instructions needed for enforcing the software feature for the current user profile if further action is determined to be necessary; and

the user agent executes the retrieved instructions to thereby enforce the software feature for the current user profile and updates status information for the software feature in the user catalogue module.

(see page 22 of applicant's argument dated 23 May 2005 as well as the enabling portions of Applicant's specification, pages 3-4, and 16-18). So as indicated by the above

statements, Applicant's arguments have been considered persuasive, in light of the claim limitations as well as the enabling portions of the specification.

Response to Arguments

9. Applicant's Request for Reconsideration filed on May 23rd, 2005 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

- A. The Aronberg patent fails to disclose or suggest, a user profile and any mechanism for differentiating between user profiles on the same computing device with respect to independent **claims 1, 11, 12, and 13**.
- B. Applicant contends that Broster is not concerned with software distribution with respect.

10. As to "Point A" it is the position of the Examiner that Aronberg in detail teaches the limitations of the above mentioned claims. Applicant's arguments are deemed moot in view of the new grounds of rejection as explained above [see *rejection of claim 1 above*]. However, Examiner concludes that Aronberg is silent with respect to new claim 21.

As to "Point B", it is also the Examiner's position that Broster's teaching is the same field of endeavor (information management system) and that applicant's traversals are unpersuasive. However, Examiner concludes that Broster is silent in view of new claims 14-21.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

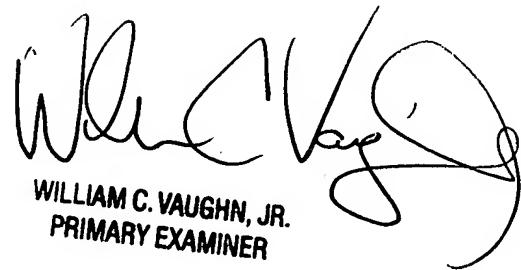
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles
Patent Examiner
Art Unit 2143

JJG

August 04, 2005



WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER